

Status Summary

Claims 1-5, 8, 9, 12-14, 16, 23, and 30 are pending in the present application. All of these claims presently stand rejected. By the above amendments, claims 1, 12, 13, 16, and 23 have been amended and new claim 42 has been added. No new matter has been added.

Claim Objections

Claims 13 and 16 stand objected to. The Examiner states that the transverse shield wall recited in these claims is redundantly recited relative to parent claim 12 and that appropriate correction is required. Claims 13 and 16 have been amended herein in order to correct this matter. It is therefore respectfully requested that the objection to claims 13 and 16 be withdrawn.

Rejections Under 35 U.S.C. § 112

Claims 1-5, 8 and 9 presently stand rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner contends that claim 1 is drawn to a shield by itself (and not a combination of the shield and the cutting mechanism), but that the body of claim 1 is so intertwined with the cutting mechanism as to make it difficult to interpret the shield solo.

Claim 1 has been amended herein in order to recite the shield apparatus of the present subject matter in combination with a cutting mechanism of a power vegetation trimmer. This amendment should remove the conflict issues raised on page 2 of the Office Action and place the present subject matter in the appropriate power vegetation trimmer art area (referring to the Examiner's comments on page 5 of the Office Action). It is therefore respectfully requested that the rejection to claims 1-5, 8 and 9 under 35 U.S.C. §112, second paragraph be withdrawn.

Rejections Under 35 U.S.C. § 102

U.S. Patent No. 5,423,126 to Byrne

Claims 12-14, 16, 23 and 30 presently stand rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,423,126 to Byrne (hereinafter "Byrne"). The Examiner states that Byrne discloses a head assembly having a first lateral wall (e.g. **45**), a first transverse shield wall (e.g. at **41** in Figure 5A), and a second lateral wall (vertical wall between **21** and **43a** in Figure 5a) that is gapped from the distal head section. The Examiner further states that Byrne discloses an adaptor member (**23a**) in an aperture, an output shaft (**2**), and a cutter (**6**) having an annular rim (**5**).

Byrne discloses a flexible flail trimmer with a cutting head **5** from which a flexible flail **6** extends to act as a cutting device. A guide and cutting guard **4** is attached at the lower end of a handle shaft **2** by a clamp collar **7** in cooperation with a bushing **10** such that guide and guard **4** can rotate around handle shaft **2**

independently of flexible drive shaft 3 and cutting head 5. As disclosed in Byrne, the combined guide and guard 4 is generally in the shape of a truncated cone 20 having a circumferential lip 21 that extends radially outwardly from the base of truncated cone 20. As described specifically with respect to Figure 5A, flexible flail 6 rotates through a tunnel 41 wherein tunnel 41 includes sidewall portions 45, 46 extending in an inboard direction and generally perpendicularly to circumferential lip 21. Sidewall portions 45, 46 of tunnel 41 are connected by a top wall 43 having a top interior surface 43a.

The Examiner contends that the first lateral (or outer) wall of the presently claimed subject matter could be reference number 45 of Byrne, that the transverse shield wall of the presently claimed subject matter could be reference number 41 of Byrne, and that the second lateral (or outer) wall of the presently claimed subject matter could be the vertical wall between 21 and 43a in Figure 5A of Byrne. Applicants note that the referenced vertical wall between 21 and 43a in Figure 5A of Byrne (which the Examiner contends as relating to the second lateral wall of the presently claimed subject matter) appears to actually refer to side wall 46. Applicants additionally note that side walls 45, 46 of Byrne each extend from top wall 43 in the same downwardly direction in order to form tunnel 41 through which flexible flail 6 rotates. Referring to Figures 5A and 5B, and column 8, lines 15-48 of Byrne, tunnel 41, formed by side walls 45, 46 and top wall 43, is designed to reduce excessive wobble of flexible flail 6, a function completely unrelated to the shield function of the present application.

By the above amendments, independent claim 12 has been amended to recite that a first outer wall extends from a transverse shield wall in a first direction toward a transverse axis and a second outer wall extends from the transverse shield wall in a second direction substantially opposite the first direction. There is no teaching or suggestion in Byrne of a trimmer head assembly comprising a shield apparatus including a first outer wall extending from a transverse shield wall in a first direction and a second outer wall extending from the transverse shield wall in a second direction substantially opposite the first direction. Conversely, and as described above, sidewalls **45, 46** of Byrne (which the Examiner relates to the first and second lateral, or outer, walls of the presently claimed subject matter) must extend from top wall **43** in the same direction in order to form tunnel **41** for reduction of excessive wobble of flexible flail **6**. As such, the shield of the trimmer head assembly of the present subject matter, including the structure of the first and second outer walls as presently claimed, is structurally and functionally different from the “walls” defined by reference numbers **45, 46** in Byrne.

Independent claim 23 has additionally been amended to recite a first lateral wall extending from a first transverse shield wall in a first direction toward a transverse axis and additionally recites a second lateral wall extending on an opposite side of the first transverse shield wall from the first lateral wall and in a second direction substantially opposite the first direction. There is no teaching or suggestion in Byrne of a trimmer head assembly comprising a shield apparatus including a first lateral wall extending from a first transverse shield wall in a first

direction toward a transverse axis and a second lateral wall extending on an opposite side of the first transverse shield wall from the first lateral wall and in a second direction substantially opposite the first direction. In fact, and as described in reference to claim 12 above, sidewalls **45, 46** of Byrne (which the Examiner relates to the first and second lateral walls of the presently claimed subject matter) must extend from the same side of top wall **43** and in the same direction in order to form tunnel **41** for reduction of excessive wobble of flexible flail **6**. As such, the shield of the trimmer head assembly of the present subject matter, including the structure of the first and second lateral walls as presently claimed, is structurally and functionally different from the "walls" defined by reference numbers **45, 46** in Byrne.

In light of the above amendments and remarks with respect to independent claims 12 and 23, it is respectfully submitted that the rejections of claims 12-14, 16, 23 and 30 under 35 U.S.C. §102(b) based upon Byrne should now be withdrawn.

U.S. Patent No. 3,000,165 to Lill

Claims 1, 2, 5 and 8 presently stand rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,000,165 to Lill (hereinafter "Lill"). The Examiner states that Lill shows a head assembly having a first lateral wall (e.g. **43**), a first transverse shield wall (**39**), a second lateral wall (vertical side walls of **12**) having an annular gap filled by a hollow sleeve member or adaptor member (**21** or **22**), a coaxial adaptor wall (**23** or **24**), a shaft (e.g. **15** or **16**), and a cutter (**28**) having an annular rim (**19**). The Examiner further states that Lill's cutter does not extend below and beyond the shield's first lateral wall, but that the cutter is arguably not

claimed in the present claims. Furthermore, the Examiner states that Lill's cutter mount is *capable* of receiving a different cutter that *would* extend beyond and below the first lateral wall (43).

Lill discloses a walk-behind push lawnmower with a housing 10 and a pair of discharge openings 41 and 42 formed in downwardly depending side walls 43 and 44. Since Lill discloses a lawnmower, it is clearly desirable for and taught by Lill that the housing extend downwardly at least to or past the transverse axis of the cutting blade or blades in order to protect the user from debris, a function unrelated to the shield function of the present subject matter which is related to preventing or at least minimizing contact between vegetative matter and a rotating output shaft of a power vegetation trimmer.

As described above, independent claim 1 has been amended to recite a shield apparatus in combination with a cutting mechanism of a type comprising a cutting element location disposed along a transverse axis for positioning of a cutting element. Claim 1 further recites that a first transverse shield wall adjoins a first lateral wall wherein the first lateral wall extends from the first transverse shield wall in a first direction toward the transverse axis and terminates above the transverse axis.

While the Examiner states that Lill's cutter mount is *capable* of receiving a different cutter that *would* extend beyond and below the first lateral wall (43), applicants respectfully submit that there is no teaching or suggestion in the description or figures of Lill of a shield apparatus in combination with a cutting mechanism of a power vegetation trimmer that includes a first lateral wall extending

from a first transverse shield wall and terminating above a transverse axis of a cutting element of the cutting mechanism. As described above, the downwardly depending side walls **43** and **44** of Lill are designed to extend at least to or past (i.e., do not terminate above) the transverse axis of the cutting blade or blades in order to protect the user from debris. As described above, the first lateral wall of the present subject matter terminates above the transverse axis of the cutting element location so as not to interfere with the rotation of the cutting element while preventing or at least minimizing contact between vegetative matter and a rotating output shaft. As such, the shield of the present subject matter, including the structure of the first lateral wall as presently claimed, is structurally and functionally different from the side walls **43** and **44** of Lill.

In light of the above amendments and remarks with respect to independent claim 1, it is respectfully submitted that the rejection of claims 1, 2, 5 and 8 under 35 U.S.C. §102(b) based upon Lill should now be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claims 1-5, 8 and 9 presently stand rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Lill.

The Examiner states that Lill, as set forth above, shows most of the recited limitations. In regard to claim 3, the Examiner states that the first and second lateral walls of Lill are attached to the same transverse shield wall (**39**) instead of being attached to two integral transverse shield walls. The Examiner states, however, that

there is no structural difference between a single transverse shield wall and two transverse shield walls that are integral with one another. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to have employed two integral transverse shield walls on Lill instead of one transverse shield wall.

Regarding claims 4 and 9, the Examiner states that bearings (22) have a hollow cylindrical portion, a first annular adaptor plate (bottom of 22) and presumably a second annular adaptor plate (top of 22). The Examiner states that since the second annular adaptor plate is not explicitly drawn, the Examiner takes official notice that it is well known to have such annular adaptor plates at the lateral ends of bushings for the purpose of preventing axial sliding.

As noted above, Lill discloses a walk-behind push lawnmower with a housing 10 and a pair of discharge openings 41 and 42 formed in downwardly depending side walls 43 and 44. Since Lill discloses a lawnmower, it is clearly desirable for and taught by Lill that the housing extend downwardly at least to or past the transverse axis of the cutting blade or blades in order to protect the user from debris, a function unrelated to the shield function of the present subject matter which is related to preventing or at least minimizing contact between vegetative matter and a rotating output shaft of a power vegetation trimmer.

As described in detail above, independent claim 1 has been amended to recite a shield apparatus in combination with a cutting mechanism of a type comprising a cutting element location disposed along a transverse axis for positioning of a cutting element. Claim 1 further recites that a first transverse shield wall adjoins a first

lateral wall wherein the first lateral wall extends from the first transverse shield wall in a first direction toward the transverse axis and terminates above the transverse axis.

There is no teaching or suggestion in Lill of, or motivation to provide, a shield apparatus in combination with a cutting mechanism of a power vegetation trimmer that includes a first lateral wall extending from a first transverse shield wall and terminating above a transverse axis of a cutting element of the cutting mechanism. As described above, the downwardly depending side walls **43** and **44** of Lill are designed to extend at least to or past (i.e., do not terminate above) the transverse axis of the cutting blade or blades in order to protect the user from debris. In contrast, the first lateral wall of the present subject matter terminates above the transverse axis of the cutting element location so as not to interfere with the rotation of the cutting element while preventing or at least minimizing contact between vegetative matter and a rotating output shaft. As such, the shield of the present subject matter, including the structure of the first lateral wall as presently claimed, is structurally and functionally different from the side walls **43** and **44** of Lill.

In light of the above amendments and remarks with respect to independent claim 1, it is respectfully submitted that the rejection of claims 1-5, 8 and 9 under 35 U.S.C. §103(a) based upon Lill should now be withdrawn.

New Claim

New claim 42 has been added which is essentially the same as amended claim 1 with the additional recitation of the shield apparatus, comprising a first lateral

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wall, first transverse shield wall, a second lateral wall, and the shield apparatus being mounted coaxially about a rotating output shaft for rotation therewith. As described hereinabove with reference to claim 1, there is no teaching or suggestion in LIII of a shield apparatus in combination with a cutting mechanism that includes a first lateral wall extending from a first transverse shield wall and terminating above a transverse axis of a cutting element of the cutting mechanism, and there further is no teaching or suggestion of a shield apparatus being mounted coaxially about a rotating output shaft for rotation therewith. As such, it is respectfully submitted that new claim 42 is allowable.

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CONCLUSION

In light of the above amendment and remarks, applicants respectfully request favorable consideration of the claims. Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney.

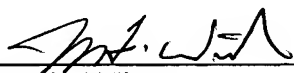
Deposit Account

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

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